

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

|                            |   |                         |
|----------------------------|---|-------------------------|
| STEPHEN GILMORE and        | : | No. 4:17-CV-01781-YK    |
| KAREN GILMORE, h/w         | : |                         |
| Plaintiffs,                | : | JURY TRIAL DEMANDED     |
|                            | : |                         |
| v.                         | : |                         |
|                            | : |                         |
| NEIL R. HOLLAND, M.D.,     | : |                         |
| RANDLE H. STORM, M.D.,     | : |                         |
| GEISINGER MEDICAL CENTER,  | : |                         |
| GEISINGER CLINIC d/b/a     | : |                         |
| GEISINGER MEDICAL GROUP,   | : |                         |
| GEISINGER HEALTH SYSTEM    | : |                         |
| FOUNDATION d/b/a GEISINGER | : |                         |
| HEALTH SYSTEM,             | : |                         |
| JOHN DOES 1-10,            | : |                         |
| JANE DOES 1-10,            | : |                         |
|                            | : |                         |
| And                        | : |                         |
|                            | : |                         |
| ABC CORPORATION 1-10,      | : |                         |
| Defendants.                | : | (Honorable Yvette Kane) |

**STIPULATION TO DISMISS CLAIMS AGAINST DEFENDANT**  
**GEISINGER HEALTH SYSTEM FOUNDATION**  
**d/b/a GEISINGER HEALTH SYSTEM**

IT IS HEREBY represented, warranted, stipulated and agreed by and between the undersigned, who are authorized to sign this Stipulation on behalf of their clients, that Plaintiffs voluntarily dismiss, without prejudice, the following

claims against Defendant Geisinger Health System Foundation d/b/a Geisinger Health System (“GHSF”) as set forth in Plaintiffs’ Complaint (Doc. 1):

1. Plaintiffs’ claim of vicarious liability for medical malpractice (Doc. 1, Count VIII);
2. Plaintiffs’ claim for loss of consortium (Doc. 1, Count IX); and
3. Plaintiffs’ claims of negligent infliction of emotional distress (Doc. 1, Count XI).

The undersigned further stipulate that dismissal of Geisinger Health System Foundation d/b/a Geisinger Health System is based upon the representation of its undersigned counsel that:

4. At the time of the allegations in Plaintiffs’ Complaint, GHSF was a non-profit corporation organized and operating under the laws of the Commonwealth of Pennsylvania with its principal place of business at 100 North Academy Avenue, Danville, Montour County, Pennsylvania 17822;

5. GHSF is not a licensed health care provider;

6. GHSF is not a health care provider as defined under the Medical Care and Reduction of Error Act (“MCARE”);

7. GHSF was not involved in the medical care and/or treatment of Plaintiff, Steven Gilmore which is the subject of this action;

8. GHSF did not employ any of the named physician Defendants and/or any other health care providers involved in the medical care and treatment of Plaintiff, Steven Gilmore;

9. GHSF did not direct or control the medical care and/or treatment provided to Plaintiff, Steven Gilmore;

10. Plaintiffs shall have the right to re-join Defendant Geisinger Health System Foundation d/b/a Geisinger Health System at any time up to and including 30 days following the end of discovery. The end of discovery shall be that date set by the applicable case management deadline or that date agreed upon by counsel, whichever is later;

11. The action shall continue as to all remaining defendants;

12. The case caption is hereby amended to omit reference to Geisinger Health System Foundation d/b/a Geisinger Health System as follows:

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| Plaintiffs,               | : | JURY TRIAL DEMANDED  |
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| NEIL R. HOLLAND, M.D.,    | : |                      |
| RANDLE H. STORM, M.D.,    | : |                      |
| GEISINGER MEDICAL CENTER, | : |                      |
| GEISINGER CLINIC d/b/a    | : |                      |
| GEISINGER MEDICAL GROUP,  | : |                      |

|                       |   |                         |
|-----------------------|---|-------------------------|
| JOHN DOES 1-10,       | : |                         |
| JANE DOES 1-10,       | : |                         |
|                       | : |                         |
| And                   | : |                         |
|                       | : |                         |
| ABC CORPORATION 1-10, | : |                         |
| Defendants.           | : | (Honorable Yvette Kane) |

13. Counsel have been duly authorized by their respective clients to enter into this Stipulation;

14. This Stipulation may be executed in counterparts.

By: /s/James Hockenberry  
 Leon Aussprung, Esquire  
 PA I.D. No. 80183  
 James E. Hockenberry, Esquire  
 PA I.D. No. 91133  
 Law Office of Leon Aussprung, M.D., LLC  
 1429 Walnut Street, Ste. 300  
 Philadelphia, PA 19102  
*Counsel for Plaintiffs*  
*Stephen Gilmore and Karen Gilmore*

Date: December 4, 2017

By: /s/Donald B. Zaycosky  
 Donald B. Zaycosky, Esquire  
 PA I.D. No. 91821  
 Department of Legal Services  
 Geisinger System Services  
 100 North Academy Avenue  
 Danville, PA 17822-4031  
*Counsel for Defendant*  
*Neil R. Holland, M.D.*

Date: December 4, 2017

By: /s/ Kevin C. Cottone  
Kevin C. Cottone, Esquire  
PA I.D. No. 72775  
WHITE AND WILLIAMS, LLP  
1650 Market Street  
One Liberty Place, Suite 1800  
Philadelphia, PA 19103-7395  
*Counsel for Defendant*  
*Randle H. Storm, M.D.*

Date: December 4, 2017

By: /s/Sarah W. Arosell  
Sarah W. Arosell, Esquire  
PA I.D. No. 58797  
1650 Market Street  
One Liberty Place, Suite 1800  
Philadelphia, PA 19103-7395  
*Counsel for Defendants*  
*Geisinger Medical Center, Geisinger Clinic*  
*d/b/a Geisinger Medical Group, and*  
*Geisinger Health System Foundation d/b/a*  
*Geisinger Health System*

Date: December 4, 2017

## **CERTIFICATE OF SERVICE**

I, Kathy L. Sitler, of the law firm of Thomas, Thomas & Hafer, LLP, hereby certify that I caused to be served a true and correct copy of the foregoing **Stipulation to Dismiss** was served electronically by the Court's Electronic Filing System on the following:

H. Leon Aussprung, Esq.  
James E. Hockenberry, Esq.  
Law Offices of Leon Aussprung, M.D., LLC  
1429 Walnut Street, Suite 300  
Philadelphia, PA 19102  
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And by placing a copy of same in the United States mail, first class, postage prepaid, to the following:

John Does 1-10  
c/o Geisinger Medical Center  
100 North Academy Avenue  
Danville, PA 17822

Jane Does 1-10  
c/o Geisinger Medical Center  
100 North Academy Avenue  
Danville, PA 17822

ABC Corporation 1-10  
c/o Geisinger Medical Center  
100 North Academy Avenue  
Danville, PA 17822

  
Kathy L. Sitler

DATE: December 4, 2017

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